June 10, 1971

MEMORANDUM OF COUNSEL

Following a discussion among counsel for various cigarette manufacturers of the text and background of the voluntary program for the disclosure of "tar" and nicotine content in cigarette advertising submitted to the Federal Trade Commission on December 17, 1970, the interpretations set forth in this memorandum were recommended as appropriate guidelines for individual companies to consider in order to assure compliance with that voluntary program by the individual companies.

"WORKING DAYS"

A "working day" is every day which is not a Saturday, a Sunday, or a holiday. The following should be considered holidays for purposes of this program:

New Year's Day
George Washington's Birthday
Memorial Day
Independence Day
Labor Day
Columbus Day

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Source: https://www.industrydocuments.ucsf.edu/docs/qnxj0000

Veterans' Day

Thanksgiving

Christmas

Whenever one of the above holidays falls on a Saturday, the preceding Friday should be considered a holiday, and whenever one of the above holidays falls on a Sunday, the following Monday should be considered a holiday.

"ADVERTISEMENTS ON SIGNS"

As used in the second paragraph of the letter of December 17, 1970, the provision "advertisements on signs, displayed inside of stores and other places of business selling cigarettes, which are reasonably not expected to be exposed to the public beyond a six month period" should include, but not be limited to, the following types of materials, as their meaning is generally understood in the Industry:

1. Carton cards (sometimes called riser cards).

2. Shelf talkers.

3. Counter display cards.

4. Base or floor displays, including base display riser cards.

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Source: https://www.industrydocuments.ucsf.edu/docs/qnxj0000

5. Temporary counter display racks, i.e., those which are reasonably not expected to be exposed to the public beyond a six-month period. There should be no necessity to include "tar" and nicotine figures on such a rack provided that "tar" and nicotine figures are included on a counter display card which is used in conjunction with such a rack.

6. Soft sheet posters, banner posters, and paper pasters.

7. Shelf strips of either cardboard or tape.

8. Dummy packages.

The requirement for the disclosure of "tar" and nicotine figures should not apply to the following, which are not considered to be "advertisements on signs, displayed inside of stores and other places of business selling cigarettes, which are reasonably not expected to be exposed to the public beyond a six month period," and to avoid consumer confusion the following should not contain "tar" and nicotine figures:

1. Change mats and change trays.

2. Decals.

3. Package facsimiles and labels used for brand identification in vending machines.

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Source: https://www.industrydocuments.ucsf.edu/docs/qnxj0000

4. Consumer and dealer promotional materials, including but not limited to, self-liquidating premiums and items such as ash trays, cigarette lighters, and pencils.

5. Permanent brand name identifications for package and carton racks and shelves, i.e., those which are reasonably expected to be exposed to the public beyond a six-month period.

6. Clocks, thermometers and similar instruments.

7. Metal and fiber signs and "tackers."

8. Permanent display racks and package or carton fixtures, i.e., those which are reasonably expected to be exposed to the public beyond a six-month period. However, "tar" and nicotine figures should be included on any advertisement which is placed on such a rack or fixture, and which advertisement is reasonably not expected to be exposed to the public beyond a six-month period.

9. Supermarket check-out lane and order dividers.

These guidelines are meant merely to be illustrative and not exhaustive of all in-store advertising materials which are or are not "reasonably not expected to be exposed to the public beyond a six month period."

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Source: https://www.industrydocuments.ucsf.edu/docs/qnxj0000

PRINTING OF LEGEND

Newspapers, Magazines and Other Periodicals

The legend for disclosure of "tar" and nicotine content in newspapers, magazines and other periodicals, pursuant to the voluntary program submitted to the Federal Trade Commission on December 17, 197C, should be placed, wherever possible, at the bottom of the advertising space unit. The disclosure should be in not less than (1) 8-point type, Univers 47(Fdy) type style, in advertisements not larger than 85 square inches,*/ (2) 10-point type, Univers 47 (Fdy) type style, in advertisements larger than 85 square inches but not larger than 144 square inches, (3) 12-point type, Univers 47 (Fdy) type style, in advertisements larger than 144 square inches. The legend should be included in each single space unit containing the name or identification of one or more varieties of cigarettes. Wherever needed to achieve prominence, the

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*/ All references to measurements of advertisements relate to the "trim size" of the advertisement as that term is used in the trade.

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Source: https://www.industrydocuments.ucsf.edu/docs/qnxj0000

legend should be on two or more lines. The legend should not be set in "extended" print. Wherever needed to achieve prominence, the legend should be compact. In the case of bleed advertisements, or advertisements which have a multi-color background, a solid and distinctly contrasting background should be used behind the legend print. A double page spread is not required to have a larger minimum type size than a single page advertisement.

Billboards

The legend for the disclosure of "tar" and nicotine content in advertisements appearing on billboards should be placed, wherever possible, at the bottom of the advertisement. The type style should reasonably conform to the type style used in the remainder of the advertisement. The disclosure should be in letters not less than 6 inches high in advertisements appearing on 24 through 30 sheet billboards, painted billboards, and spectacular billboards; not less than one inch high on 3 through 8 sheet billboards; not less than 36-point type on 2 sheet billboards; and not less than 32-point type on one sheet billboards and commuter car end cards (21" x 33"). The disclosure should be in not less than 24-point type on car cards in public

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Source: https://www.industrydocuments.ucsf.edu/docs/qnxj0000

transit vehicles including side cards and end cards (other than commuter car end cards). On all other billboards, as defined by the Explanatory Memorandum of December 17, 1970, furnished to the Federal Trade Commission, the disclosure should be in letters large enough to be relatively prominent taking into account the disclosures suggested in these guidelines for various types of billboards.

Handbills and Direct Mail Circulars

The legend for disclosure in handbills and direct mail circulars should be set forth at the bottom of the handbill or circular. The type style should be Univers 47 (Fdy). The type size should be not less than 8-point for handbills and circulars not larger than 85 square inches, 10-point for handbills and circulars larger than 85 square inches but not larger than 144 square inches, and 12-point for handbills and circulars larger than 144 square inches.

In-Store Advertisements

On all in-store advertising material which requires disclosure of "tar" and nicotine content, the disclosure should be set forth at the lower front of the advertisement.

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Source: https://www.industrydocuments.ucsf.edu/docs/qnxj0000

The disclosure of "tar" and nicotine on the following advertising materials should be set forth in not less than 12-point type, Univers 47 (Fdy) type style:

Carton Cards

Shelf talkers

Counter display cards

Temporary counter display racks

Shelf strips of either cardboard or tape

The disclosure of "tar" and nicotine content on the following advertising materials should be set forth in not less than 18-point type, Univers 47 (Fdy) type style:

Base or floor displays

Soft sheet posters, banner posters, and paper pasters

Dummy packages

In all other in-store advertising for which a "tar" and nicotine disclosure is required, the disclosure should be set forth in type of a size and style as to be clear and prominent.

MISCELLANEOUS

The following additional guidelines and definitions should be applicable to all advertisements in which

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Source: https://www.industrydocuments.ucsf.edu/docs/qnxj0000

a "tar" and nicotine disclosure is required in accordance with the submission by the individual companies to the Federal Trade Commission of December 17, 1970:

(1) The disclosure should be in a color (including black or white) clearly contrasting with the color of the background.

(2) Nothing in the submission of December 17, 1970, or these guidelines should preclude the use of "tar" and/or nicotine figures in portions of an advertisement other than the portion of the advertisement in which "tar" and nicotine disclosure is suggested in these guidelines. Disclosure of "tar" and nicotine figures in accordance with these guidelines should also be made in addition to any disclosure of those figures in any other portion of the advertisement.

(3) For different varieties of cigarettes having the same brand name the company should either (a) clearly identify in the advertisement that variety or those varieties being advertised by whatever language is normally used by that company and disclose the "tar"

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Source: https://www.industrydocuments.ucsf.edu/docs/qnxj0000

and nicotine content of each such variety or varieties, or (b) disclose the "tar" and nicotine content of all varieties having the brand name in that advertisement.

full family

(4) In the event that "tar" and nicotine figures for more than one variety or cigarettes are disclosed in an advertisement, it should not be necessary to include the words "av. per cigarette, FTC Report (date)" more than once provided that it is clear that these words are applicable to all "tar" and nicotine figures disclosed.

(5) The term "United States," when used in a geographical sense, includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, and Johnston Island.

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